

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAROLD CAGE,

Plaintiff,

Case No. 11-CV-12318

vs.

HON. MARK A. GOLDSMITH

MICHIGAN DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

OPINION AND ORDER

**(1) ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DKT. 89) AND (2) DENYING AS MOOT ALL OUTSTANDING
MOTIONS (DKTS. 35, 37, 46, 53, 58, 59, 62, 64, 65, 73, 80, 81)**

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge Michael Hluchaniuk, issued on January 4, 2013. The Magistrate Judge recommends that Plaintiff Harold Cage's complaint be dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and all outstanding motions (Dkts. 35, 37, 46, 53, 58, 59, 62, 64, 65, 73, 80, and 81) be terminated as moot. Plaintiff has not filed an objection to the R&R and the time to do so has expired. Therefore, Plaintiff has waived any further right to contest the Magistrate Judge's rulings. See Thomas v. Arn, 474 U.S. 140 (1985) (holding that failure to file objections to a Magistrate Judge's R&R waives the right to appeal the district court's judgment adopting the R&R). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reason. Accordingly, the R&R is accepted and adopted as the findings and conclusions of the Court and Plaintiff's complaint is dismissed with prejudice. Furthermore, all other outstanding motions are

denied as moot (Dkts. 35, 37, 46, 53, 58, 59, 62, 64, 65, 73, 80, and 81).

SO ORDERED.

Dated: January 28, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 28, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager